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ABSTRACT

This pamphlet summarizes the requirements pertaining to counseling practices contained in the implementing regulations for Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. Also, this pamphlet reviews policies and practices which have been adopted by some school systems to ensure equal educational opportunity for beneficiaries of the statutes. After an introductory discussion of the critical role of the counselor, the following topics are addressed: (1) nondiscrimination in counseling under Title VI; (2) nondiscrimination in counseling under Title IX; (3) nondiscrimination in counseling under Section 504; and (4) counseling special population groups. The latter section summarizes programs and initiatives to meet the special guidance and counseling needs of minority, women, and handicapped students that go beyond preventing/remedying discrimination and may be applicable to other school systems. These include establishing bias-free materials, early intervention programs, hands-on counseling, expanded knowledge of career opportunities, cooperation with business, cooperation with colleges and universities, cooperation with parents, and inservice training. A counseling checklist is included, along with addresses of regional Civil Rights offices. (BHK)

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GUIDANCE COUNSELOR'S ROLE EQUAL EDUCATIONAL OPPORTUNITY

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THE GUIDANCE COUNSELOR'S ROLE IN ENSURING EQUAL EDUCATIONAL OPPORTUNITY

U.S. Department of Education
Office for Civil Rights
Washington, D.C. 20202-1328

INTRODUCTION

The Office for Civil Rights, Department of Education, prepared this pamphlet principally for counselors who serve in school systems that have programs or activities that receive Federal financial assistance. The pamphlet summarizes the requirements pertaining to counseling practices contained in the implementing regulations for Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973.

Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance; Title IX prohibits discrimination on the basis of sex in education programs or activities receiving Federal financial assistance; and Section 504 prohibits discrimination on the basis of handicap in programs or activities receiving Federal financial assistance. The Department of Education (ED), Office for Civil Rights (OCR), is responsible for enforcing these laws in programs or activities that receive assistance from ED.

This pamphlet also reviews policies and practices which have been adopted by some school systems to ensure equal educational opportunity for the beneficiaries of the statutes. In accomplishing this goal, the fundamental goal of counseling is also advanced—that the student develop his or her talents to the fullest.

For copies of the regulations or additional information, the OCR regional office that serves your state or territory should be contacted. The addresses and telephone numbers of the regional civil rights offices are included at the back of the pamphlet.

CRITICAL ROLE OF THE COUNSELOR

The counselor at the secondary school level assumes a number of roles, all important and potentially critical in affecting a student's future. These roles relate in a major way to academic preparation and planning but they also extend to mental health, interpersonal relations, social adjustment, career planning, and work adjustment. In performing these varied roles, the professional commitment of the counselor is directed at promoting the fullest development of each individual.

A variety of barriers has acted to limit this ideal with respect to minorities, women, and handicapped students. These are reflected in the most recent national education statistics. For example, the reading proficiency of minority students, while advancing, is in need of further improvement. The high school completion rates for blacks and Hispanics lag far behind those of white students. Enrollment of minority students in higher education programs is substantially below that of white students. Women and minorities continue to be underrepresented in engineering, mathematics, and other scientific and technical fields.

The challenge is to provide counseling services that improve and expand the service delivery to minorities, women, and handicapped students and thereby help to ameliorate these conditions. This means that a counselor needs to have an understanding of how to recognize discrimination and other barriers to equal educational opportunity before he/she can take the appropriate steps to address these barriers enabling *all* students to develop to their fullest.

NONDISCRIMINATION IN COUNSELING UNDER TITLE VI

Title VI of the Civil Rights Act of 1964 protects students from discrimination based on race, color, or national origin in programs or activities receiving Federal financial assistance.

The ED regulation for Title VI contains a general prohibition against denying or restricting any service or providing any service in a different manner from that provided to others. It would be a violation for a counselor to direct or urge any student to enroll in a particular career or program, or measure or predict a student's prospects for success based on race, color, or national origin. School systems also must ensure that students with limited-English language skills receive effective counseling. Counseling materials and activities (including student program selection and career/employment selection) must be bias-free.

NONDISCRIMINATION IN COUNSELING UNDER TITLE IX

Title IX of the Education Amendments of 1972 protects students from discrimination based on sex in programs and activities receiving Federal financial assistance.

The ED regulation for Title IX contains a specific prohibition against discrimination in counseling or guidance of students. The requirements of the regulation are summarized below.

Appraisal and Counseling Materials

A counselor may not use different materials in testing or guidance based on the student's sex unless this is essential in eliminating bias and then, provided the materials cover the same occupations and interest areas.

Testing Instruments

Where use of a particular test or other instrument results in disproportionate number of members of one sex in any course of study or classification, a school must make sure the instrument is not discriminatory or administered in a discriminatory manner.

Internal Control

Schools are required to develop and use internal procedures for ensuring that materials for appraising or counseling students are nondiscriminatory.

Disproportionate Classes

If a school finds that a particular class is disproportionately male or female, it must make sure this situation did not result because of sex-biased counseling or the use of discriminatory counseling or appraisal methods.

NONDISCRIMINATION IN COUNSELING UNDER SECTION 504

Section 504 of the Rehabilitation Act of 1973 protects students from discrimination based on handicap in programs and activities receiving Federal financial assistance.

Under the Section 504 regulation:

— A school system must provide counseling and guidance services in a nondiscriminatory manner.

— Equal opportunity must be afforded handicapped students to participate in counseling services. For example, counselors must be able to communicate effectively with students who have hearing impairments. (This requirement may be satisfied by having interpreters available.)

— Handicapped students must not be counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities.

COUNSELING SPECIAL POPULATION GROUPS

The civil rights statutory and regulatory requirements prohibit counselors, as agents of recipients of Federal financial assistance, from engaging in unlawful discriminatory practices. Some school systems have gone beyond the issue of preventing/remedying discrimination by initiating programs to meet the special guidance and counseling needs of minority, women, and handicapped students. The programs which have been instituted may be applicable to other school systems to support counselors in ensuring equal educational opportunity and improving counseling services for special target groups. This section summarizes several of these programs and activities.

Establishing Bias-Free Materials

Counselors can work with teachers to review career education and curricular materials to ensure they do not create or perpetuate stereotypes or limitations based on race, color, national origin, sex, or handicap. Some schools are using materials that portray males or females, minorities or handicapped persons in programs and occupations in which these groups traditionally have not been substantially represented. Others are encouraging teachers to include biographical readings about men and women, minorities, and handicapped persons in careers in which they are traditionally underrepresented. In some school systems, counselors are given training in identifying subtle and overt bias in career materials and in eliminating bias in these materials.

Early Intervention Programs

These programs aim at early provision of counseling services for students who express interest in pursuing postsecondary education. In some school districts with high enrollment of minority students, counselors are designated to specialize in the early

identification and support of students with potential for higher education attainment. Services are often extended in small group sessions. Other intervention programs seek to identify underprepared college-oriented students. In one "college access" program, disadvantaged minority students, beginning in ninth grade, are encouraged to meet college admission requirements by placement in more challenging classes than they would have normally taken on their own. Some programs are also attempting to cultivate or stimulate greater interest in nontraditional academic areas and careers for minorities, women, and handicapped students during the intervention process. In some states, school systems are receiving the support of State education agencies in developing comprehensive and coordinated pupil service programs (including social work and psychological services and health care) in support of their early intervention activities.

Hands-on Counseling

Recent research suggests that low-income minority students are least likely to receive adequate counseling on higher education opportunities. Other research is reporting that intensive "hands-on" counseling is most effective. In one inner city high school, where 75 percent of students are from families receiving public assistance, counseling has been made central to student development. Students (90 percent are from minority groups) are provided numerous opportunities to visit colleges, meet informally with a wide range of college recruiters and use school telephones to make long distance inquiries to colleges throughout the country. Since 1981, approximately 70 percent of the school's graduates have enrolled in higher education programs.

A critical issue for many minority students from low income families is financial aid. In response to this problem, some school counseling programs are providing financial aid workshops for students

and parents. In one high school that enrolls a high proportion of minority students from low income families, counselors are available to review any student's application for college admission and financial assistance before it is submitted to an institution. In another high school that enrolls a high proportion of language minority students, information on the availability of financial aid is communicated to these students and their parents in the language they understand. Some counselors also are making efforts to advise minority and handicapped students of special services programs established at certain colleges and universities. These programs aim at facilitating academic adjustment and increasing the retention of minority and handicapped students.

Expanded Knowledge of Career Opportunities

In order to avoid "steering" minorities, women, and handicapped students toward more restrictive career objectives, many counselors require updated information about the dynamics of the labor force. Certain school districts are establishing programs to ensure that counselors are apprised of the most recent occupational outlook data. Some schools arrange workshops so that employers can present information to counselors on emerging opportunities in new fields. These sessions also allow counselors to gain first-hand understanding of developments and occupational forecasts in specific industries and organizations. In turn, counselors can disseminate this information to students so they can consider a broader range of options.

Cooperation with Business

There are other ways to involve the resources of the business community. Some schools arrange for minority, women, and handicapped role models from occupations in which these groups traditionally have been underrepresented (e.g., female

physician or male nurse) for career days, exploratory experiences, and to serve as mentors and advisers to students, some businesses sponsor a "shadowing" program that allows students to "shadow" workers on the job. This also encourages students to explore nontraditional occupations.

Other businesses are participating in summer internship programs that combine high school credit with employment. These programs also encourage students' further educational attainment in their linking academic preparation with job requirements. Some counselors arrange for representatives of the business community to conduct group sessions on preparing resumes and job interview skills. While these programs are normally open to all students, counselors can take special measures to ensure the participation of special population groups.

Cooperation with Colleges and Universities

Cooperation with colleges and universities can take many forms to encourage future postsecondary attendance. Successful collaborative projects are often small scale initiatives. They can include special field trips to local colleges and the conduct of financial aid workshops and survival skills by college counseling staff. Admissions officers at one university visit high schools to recruit handicapped students and explain what accommodations are available. Some institutions of higher education are reporting students' academic performance back to individual feeder schools to enable them to make appropriate adjustments in educational curricula and student preparation.

Cooperation with Parents

School counselors can assist parents in becoming partners in broadening career exploration and expanding career planning. Many programs are providing parents with career development seminars,

guidebooks, role-playing opportunities, community resources and parent support systems. Some counselors have helped in scheduling adult education classes and PTA meetings to examine the issue of stereotyping and its effects on students.

In-service Training

Research also indicates the importance of in-service training and continuing education to expand and improve counseling service delivery to special population groups. Such training can assist counselors in identifying and correcting discriminatory guidance and counseling practices as well as providing techniques to meet the needs of minority, women, and handicapped students.

To ensure equal educational opportunity for special population groups, school counselors may wish to review the checklist of activities on the following page.

While not all encompassing, these activities can be incorporated, in appropriate circumstances, in school guidance and counseling programs.

COUNSELING CHECKLIST

[ ] Inform students and parents of their protections under the civil rights laws.

[ ] Analyze course enrollment data to identify disproportionate enrollment of minority, women, and handicapped students.

[ ] Identify discriminatory practices in existing guidance/counseling program policies and procedures.

[ ] Establish goals, objectives, and action steps in school district guidance plans in response to identified career needs of minority, women, and handicapped students.

[ ] Implement an ongoing career guidance program to meet students' needs.

[ ] Ensure effective communication with limited-English-proficient and handicapped students.

[ ] Provide support through counseling and consultation with teachers, peers, and parents, to students.

[ ] Assist special population students in such activities as resume writing, job interviewing, decisionmaking, financial aid applications, educational/career planning, and on-the-job adjustment.

[ ] Review guidance materials for stereotypes.

[ ] Identify minority, female, and handicapped role models from occupations where they are traditionally underrepresented.

[ ] Coordinate counseling activities with other school and community resources and agencies serving special population groups.

[ ] Support establishment of an equity advisory council to obtain assistance in implementing nondiscriminatory counseling services.

U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
REGIONAL CIVIL RIGHTS OFFICES

REGION I

Connecticut, Maine, Massachusetts,
New Hampshire, Rhode Island, Vermont

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region I
John W. McCormack Post Office and Courthouse Building, Room 222
Boston, Massachusetts 02109-4557
(617) 223-9662 TDD (617) 223-9324

REGION II

New Jersey, New York, Puerto Rico,
Virgin Islands

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region II
26 Federal Plaza, 33rd Floor, Rm. 33-130
New York, New York 10278-0082
(212) 264-4633 TDD (212) 264-9464

REGION III

Delaware, District of Columbia, Maryland,
Pennsylvania, Virginia, West Virginia

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region III
3535 Market Street, Room 6300
Philadelphia, Pennsylvania 19104-3326
(215) 596-6772 TDD (215) 596-6794

REGION IV

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region IV
101 Marietta Tower - 27th Floor, Suite 2702
Mail To: P.O. Box 1705
Atlanta, Georgia 30301-1705
(404) 331-2954 TDD (404) 331-7816

REGION V

Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region V
401 South State Street - 7th Floor, Room 700C
Chicago, Illinois 60605-1202
(312) 886-3456 TDD (312) 353-2541

REGION VI

Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region VI
1200 Main Tower Building - Suite 2260
Dallas, Texas 75202-9998
(214) 767-3959 TDD (214) 767-3639

REGION VII

Iowa, Kansas, Missouri, Nebraska

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region VII
P.O. Box 901381
10220 N. Executive Hills Blvd., 8th Floor
Kansas City, Missouri 64190-1381
(816) 891-8026

REGION VIII

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region VIII
1961 Stout Street, Room 342
Denver, Colorado 80294-3608
(303) 844-5695 TDD (303) 844-3417

REGION IX

Arizona, California, Hawaii, Nevada, Guam, Trust Territory of the Pacific Islands, American Samoa

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region IX
221 Main Street, 10th Floor, Suite 1020
San Francisco, California 94105-1925
(415) 227-8040 TDD (415) 227-8124

REGION X

Alaska, Idaho, Oregon, Washington

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region X
Mail Code 10-9010
915 Second Avenue, Room 3310
Seattle, Washington 98174-1099
(206) 442-1636 TDD (206) 442-4542